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Bruce T Beesley

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
May 13, 2021

Matthew L. Johnson (6004)  
Russell G. Gubler (10889)  
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*Counsel for Debtor/Defendant/Counter-Claimant  
Andrew Bunker Platt*

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA

In Re: ) Case No.: 19-17282-btb  
ANDREW B PLATT and RUTH ANN ) Chapter 7  
PLATT, )  
Debtors. )  
WOODS & ERICKSON, LLP, a Nevada ) Adversary Proceeding: 19-01125-btb  
limited liability partnership, d/b/a WOODS )  
ERICKSON & WHITAKER, LLP, )  
Plaintiff, )  
vs. ) Hearing Date: April 1, 2021  
ANDREW B. PLATT, an individual. ) Hearing Time: 10:00 AM  
Defendant. )  
)

**ORDER GRANTING IN PART AND DENYING IN PART AMENDED MOTION FOR  
SUMMARY JUDGMENT**

1           The *Amended Motion for Summary Judgment* [Doc 25] (the “Motion”) filed by  
2 Debtor/Defendant, Andrew B. Platt, having been heard by this Court on April 1, 2021, the Court  
3 having reviewed and considered the Motion and related pleadings, and due notice of the Motion and  
4 hearing of the motion having been given to all parties entitled thereto, and having heard the argument  
5 of counsel at the hearing on the Motion, at which time all parties in interest were afforded an  
6 opportunity to be heard, and for the reasons stated orally and recorded in open court that shall  
7 constitute the decision of the Court pursuant to Rule 7052 of the Federal Rules of Civil Bankruptcy  
8 Procedure, and good cause appearing, it is hereby:  
9

10           **ORDERED** that the Motion is **GRANTED** as to the claims brought under 11 U.S.C. §  
11 523(a)(2)(A), and Summary Judgment is entered against Plaintiff and in favor of Defendant as to  
12 those claims;

13           **IT IS FURTHER ORDERED** that any claims asserted under 11 U.S.C. § 523(a)(6) are not  
14 allowed as they were not properly nor timely plead in the Plaintiff’s Complaint; this decision is  
15 without prejudice as to Plaintiff’s pending Motion to Amend;

16           **IT IS FURTHER ORDERED** that the motion is denied with respect to those claims brought  
17 under 11 USC § 523(a)(4), as genuine issues of fact remain.

19           **IT IS SO ORDERED.**

20           Respectfully Submitted by:  
21           JOHNSON & GUBLER, P.C.

22           /s/ Matthew L. Johnson  
23           Matthew L. Johnson (6004)  
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## **Local Rule 9021**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

[ X ] I have delivered a copy of this proposed order to all counsel who appeared at the hearing and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Approved / Denied / Failed to Respond  
Nathan Henderson  
NHenderson@Gerrard-Cox.com

Respectfully Submitted by:  
JOHNSON & GUBLER, P.C.

/s/ Matthew L. Johnson  
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Signed by  
**GERRARD COX LARSEN**

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